IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.MC.No. 2154 of 2004

CRRP.54/2002 of ADDL.SESSIONS COURT, KOZHIKODE

CMP.8058/2001 of JUDL. MAGISTRATE OF FIRST CLASS-IV, KOZHIKODE

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PETITIONER/REVISION PETITIONER/COMPLAINANT:

K.P.BABU, S/O. GOPALAN, AGED 32,
KAMMANAM PURATHU HOUSE,
ERANJIKKAL P.O., KOZHIKODE.

BY ADV. SRI.VINOD SINGH CHERIYAN
SRI.R.SUDHISH

RESPONDENTS/RESPONDENTS/ACCUSED:

1. VASANTHA MANOHARAN, W/O. MANOHARAN,
SANTHIRUTHI VAYAL, MOOTHACHIKAVIL,
KARUVASSERI, KOZHIKODE.

2. NARENDRAN, SANTHIRUTHI VAYAL, DO. DO.

3. SANTHOSH, SANTHIRUTHI VAYAL, DO. DO.

4. MANOHARAN, SANTHIRUTHI VAYAL, DO. DO.

5. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
KOCHI-31.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 2154 of 2004

ORDER

Petitioner is the complainant in C.M.P.No.8058/01 filed before the Judicial First Class Magistrate's Court-IV, Kozhikode, complaining of commission by the accused of offence punishable under Section 312 IPC read with Section 34 thereof. The learned Magistrate recorded the sworn testimony of the complainant, examined four witnesses, marked Exhibits C1 and C2 series, considered the complaint and came to the conclusion that there is no sufficient ground to proceed with the case and consequently, dismissed the complaint under Section 203 Cr.P.C. Dismissal was assailed by the petitioner before the Sessions Court, Kozhikode filing Crl.R.P.No.54/02. The Sessions Judge, after an elaborate discussion of the entire matter, concurred with the findings of the learned Magistrate and dismissed the revision. It is challenging the correctness of the concurrent findings of the courts below that this Crl.M.C. is filed by the complainant.

2. Though this Crl.M.C. was filed as early as on 16.8.2004 and notice was ordered by this Court on 18.8.2004, the petitioner has not taken any steps to see that notice is served on the respondents, for the last three years. Counsel for the petitioner prays for time to take steps.

3. On a consideration of Annexure A1 order passed by the learned Magistrate and Annexure A2 order passed by the learned Sessions Judge in revision, wherein, the entire aspects of the matter have been discussed thread bare, I do not find any illegality or impropriety in the orders of the courts below and I am of the view that no interference by this Court under Section 482 Cr.P.C. is required to secure ends of justice. In the above view of the matter, I hold that this Crl.M.C. is devoid of any merit.

In the result, I dismiss this Crl.M.C.

10th August, 2007 (K.P.Balachandran, Judge)

tkv